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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,758	08/30/2001	Maria Azua Himmel	AUS920010408US1	9993

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EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,758

Applicant(s)

HIMMEL ET AL.

Examiner

REXFORD N. BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-22, 24-35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-9, 11-22, 24-35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Rexford N. Barrie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 6-9, 19-22 and 32-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed feature is limited to one including call forwarding, call waiting and voice mail service and these claims are directed to a feature (prepaid) not compatible with the previous features or fails to provide continuity or any leakage.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Amin et al. (US Pat# 5,845,207).

Regarding claim 1, Amin et al. teaches a service transfer to another telephone account wherein a telephone account can be identified in (see col. 7 lines 38-45, col. 4 lines 1-6);
receiving an indication of a feature to be transferred from a transferring telephone customer account to at least recipient telephone account in (see figs 2-3, col. 20 and transferring a feature to the other telephone account wherein the feature could include

at least one of call waiting, call forwarding and at least voice mail in (see col. 6 lines 3-18 and col. 8 lines 21-27).

Regarding claims 3 and 16, Amin teaches being able to configure multiple phones to use feature transfer in (see col. 8).

Regarding claims 4 and 17, Amin teaches identifying information, which can comprise a telephone number in (see col. 7 lines 48-53 and col. 4 lines 1-7).

Regarding claims 5 and 18, Amin teaches a mobile telephone or any desired telephone including a landline in (see col. 8, figs. and col. 4).

Regarding claim 14, Amin et al. teaches a service transfer to another telephone account wherein a telephone account can be identified in (see col. 7 lines 38-45, col. 4 lines 1-6);

receiving an indication of a feature to be transferred from a transferring telephone customer account to at least recipient telephone account in (see figs 2-3, col. 20 and transferring a feature to the other telephone account wherein the feature could include at least one of call waiting, call forwarding and at least voice mail in (see col. 6 lines 3-18 and col. 8 lines 21-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 15 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (US Pat# 5,845,207).

Regarding claims 2, 15 and 28, Amin teaches receiving the indication querying a user for selection in (see col. 6 lines 31-40) but fails to teach implicitly a menu process even though arguably it could be but for the sake of argument, the examiner takes official notice that it's well known to implement a menu service wherein a user can be prompted based on a menu and activate codes to implement or provide services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of using prompting a user from a menu as a way to guide a user through the process in order to provide efficiency and provide customer satisfaction.

Regarding claim 27, Amin et al. teaches a service transfer to another telephone account wherein a telephone account can be identified in (see col. 7 lines 38-45, col. 4 lines 1-6); receiving an indication of a feature to be transferred from a transferring telephone customer account to at least recipient telephone account in (see figs 2-3, col. 20 and transferring a feature to the other telephone account wherein the feature could include at least one of call waiting, call forwarding and at least voice mail in (see col. 6 lines 3-18 and col. 8 lines 21-27).

Amin teaches the claimed limitations would be implemented by a computer medium but fails to teach that the claimed components implicitly.

The examiner takes official notice that it's well known to implement telecommunications services on a computer medium or server with a memory, bus and CPU using a software.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Amin into any computer medium thus making it possible to implement feature transfer automatically and efficiency based on computer codes.

Regarding claim 29, Amin teaches being able to configure multiple phones to use feature transfer in (see col. 8).

Regarding claims 30-31, see the figs. of Amin and (col. 4 lines 1-16 and col. 5 lines 55-63).

Claims 6-9, 11-13, 19-22, 24-26, 32-35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (US Pat# 5,845,207) in view of Katz et al. (US Pat# 6,424,706).

Regarding claims 6-9, 19-22 and 32-35, Amin et al. fails to teach being able to transfer minutes from one account to the other.

Katz teaches a method and system for transferring telecommunications time units among accounts and exchanging goods or services where a first subscriber can transfer prepaid time or amount from his/her account to a second subscriber or non subscriber account for that matter for telephony usage in (see col. 2 lines 54-63, fig. 1B (PRIOR ART), col. 7, fig. 4A) via choosing a transfer minutes option of a main menu system. see option (412, 414, 416) of fig. 4. There would be a plurality of accounts and

one uniquely identified for transfer of minutes in (see col. 7 lines 1-7). The teaching of Katz is applicable to any phone including landline phones or mobile phones and can be applied to any toll calls.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Katz into that of Amin thus making it possible to transfer any telephone feature to another account for usage of the feature for the advantages disclosed by Katz in (see col. 1 of Katz) to provide transferring of prepaid minutes for customers who might not qualify for prepaid services, find it too expensive, poor credit to receive a phone account in their name and so forth. Also, note Amin further teaches that his teaching can be modifiable in (see col. 8 line 46-54) to possibly include other services or features.

Regarding claims 11, 24 and 37, Amin fails to teach the claimed subject matter but Katz teaches a feature transfer system wherein a user can be notified of a feature transfer in (see col. 8 line 48-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Katz into that of Amin thus informing users of features available to them and to use them accordingly for those who require telephony services but cannot afford prepaid services and from the point of view, increase revenue based on increase in usage.

Regarding claims 12, 25 and 38, the examiner takes official notice that updates to features or software wherein a user's consent is needed and approved to proceed is notoriously well known.

Regarding claims 13, 26 and 39, the service providers of the sending and receiving parties could be the same or different and if different, services can be provided as long as there is agreement between the various network elements. The examiner takes official notice that roaming, long distance calling, prepaid services for toll calls and so forth are possible due to the fact there would be arrangements between various network entities. (figs. ie. fig. 3A of Katz) teaches different network elements.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
05/24/05


REXFORD BARNIE
PRIMARY EXAMINER